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REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)
00027.04CON

In re Application of: Joshua D. Rabinowitz, et al.

Application No.: 10/814,690

Filed: March 31, 2004

For: DELIVERY OF ANTIEMETICS THROUGH AN INHALATION ROUTE

The owner*, Alexza MDC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,780,400 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record. Reg. No. 48,053

Signature

June 9, 2005

Date

Darla G. Yoerg

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303-268-0066

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